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20 Amber Maldonado

21 **UNITED STATES DISTRICT COURT**
22 **EASTERN DISTRICT OF CALIFORNIA**

23 AMBER MALDONADO, on behalf
24 of herself and current and former
25 aggrieved employees,

26 Plaintiff,

27 v.

28 INTERNATIONAL PAPER
COMPANY; and DOES 1 to 100,
inclusive,

Defendants.

Case No: 2:24-cv-00767-AC

*[Previously known as San Joaquin
Superior Court Case No. STK-CV-UOE-
2024-0000528]*

**JOINT STIPULATION TO LIFT
STAY OF PROCEEDINGS AND
DISMISS PLAINTIFF'S
COMPLAINT; [PROPOSED] ORDER**

State Complaint Filed: 1/16/2024
Trial Date: None Set

Case No: 2:24-cv-00767-AC

**JOINT STIPULATION TO LIFT STAY OF PROCEEDINGS AND
DISMISS PLAINTIFF'S COMPLAINT; [PROPOSED] ORDER**

1 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR**
2 **ATTORNEYS OF RECORD:**

3 Defendant International Paper Company (“Defendant”) and Plaintiff Amber
4 Maldonado (“Plaintiff”) (collectively, the “Parties”), by and through their counsel
5 of record, submit this Joint Stipulation to Lift Stay of Proceedings and Dismiss
6 Plaintiff’s Complaint, as follows:

7 **WHEREAS**, on January 16, 2024, Plaintiff Amber Maldonado, on behalf of
8 herself and current and former aggrieved employees, filed a Complaint against
9 Defendant in the Superior Court of the State of California, County of San Joaquin,
10 entitled *AMBER MALDONADO, on behalf of herself and current and former*
11 *aggrieved employees v. INTERNATIONAL PAPER COMPANY; and DOES 1*
12 *through 100, Inclusive*, Case No. STK-CV-UOE-2024-0000528 (the “Action”);

13 **WHEREAS**, the Action alleges a single cause of action for civil penalties
14 pursuant to the Private Attorneys General Act of 2004 (PAGA) against Defendant,
15 for claims including 1) failure to pay all hours worked at minimum wage; 2) failure
16 to pay wages for overtime hours worked at the overtime rate of pay; 3) failure to
17 authorize or permit meal periods; 4) failure to authorize or permit rest periods; 5)
18 failure to timely pay earned wages during employment; 6) failure to provide
19 complete and accurate wage statements; and 7) failure to timely pay all earned
20 wages and final paychecks due at time of separation of employment;

21 **WHEREAS**, Defendant timely removed the Action to this court on March
22 12, 2024, pursuant to the Labor Management Relations Act (“LMRA”), 29 U.S.C.
23 §§ 185, *et seq.*, and the National Labor Relations Act (“NLRA”), 29 U.S.C. §§ 151-
24 169;

25 **WHEREAS**, Defendant and Plaintiff Rodolfo Gutierrez (“Gutierrez”), a
26 former employee of Defendant, entered into a settlement agreement of Gutierrez’s
27 class action and PAGA claims against Defendant in the matters styled
28 (respectively) *Gutierrez v. International Paper Company*, Central District of

1 California (“Central District”), Case No. 2:22-cv-08460-JFW-RAO (the
2 “*Gutierrez* Class Action”) and *Gutierrez v. International Paper Company*, Central
3 District, Case No.: 8:23-cv-00046-JFW-RAOx (the “*Gutierrez* PAGA Action”);

4 **WHEREAS**, the Central District granted Gutierrez’s Motion to Consolidate
5 the *Gutierrez* Class Action and the *Gutierrez* PAGA Action [the consolidated
6 action referred to herein as the “*Gutierrez* Action”), and on January 29, 2024,
7 granted Gutierrez’s Motion for Preliminary Settlement Approval of Class and
8 Representative Action Settlement (“*Gutierrez* Settlement”) in the *Gutierrez*
9 Action;

10 **WHEREAS**, the *Gutierrez* Settlement encompasses “all claims under any
11 applicable laws and/or regulations relating to any and all facts and claims asserted
12 in the [*Gutierrez* Action] or any other claims that could have been reasonably
13 asserted in the [*Gutierrez* Action] based on the facts alleged, including claims for
14 unpaid reimbursements; wage statement violations; unpaid wages, including
15 minimum wages, regular wages, overtime and double overtime wages; unfair
16 business practices premised on alleged violations of the California Labor Code;
17 penalties under the California Private Attorneys General Act (“PAGA”); as well as
18 missed meal and rest breaks; meal and rest breaks premiums; alleged failure to
19 timely pay all wages due upon separation of employment; failure to maintain and
20 provide accurate records; and other violations of the Fair Labor Standards Act, the
21 California Labor Code and relevant Wage Orders”;

22 **WHEREAS**, the *Gutierrez* Settlement resolved claims for the period of July
23 1, 2021 to August 11, 2023;

24 **WHEREAS**, Plaintiff’s employment at IP ended on or about January 23,
25 2023;

26 **WHEREAS**, on April 10, 2024, in the interest of judicial economy and
27 recognizing that the claims made in the *Gutierrez* Action encompass each of
28 Plaintiff’s claims and her PAGA cause of action alleged against Defendant in the

1 Action, the Parties filed a Joint Stipulation to Stay Proceedings (Dkt. 6) pending
2 final approval of the *Gutierrez* Settlement;

3 **WHEREAS**, on April 11, 2024, the Court granted the Parties' Joint
4 Stipulation and entered an Order imposing a stay of the Action in its entirety
5 pending final approval of the *Gutierrez* Settlement (Dkt. 7);

6 **WHEREAS**, by the Court's Order, the Parties were required to meet and
7 confer within thirty (30) days of Defendant's notice to Plaintiff of the Central
8 District's grant of final approval of the *Gutierrez* Settlement to determine whether
9 to lift the stay and proceed with litigation or jointly move for dismissal of the
10 Action;

11 **WHEREAS**, on June 24, 2024, the Central District Court held a Fairness
12 Hearing to consider granting final approval of the *Gutierrez* Settlement, and on the
13 same day granted Gutierrez's Motion for Final Approval of Class and
14 Representative Action Settlement (the *Gutierrez* Settlement);

15 **WHEREAS**, pursuant to the Order, the Parties met and conferred
16 telephonically on July 9, 2024 to discuss the impact of the final approval of the
17 *Gutierrez* Settlement on Plaintiff's claims and agreed that the *Gutierrez* Settlement
18 fully captures Plaintiff's PAGA claims, and that the Action should therefore be
19 dismissed in its entirety.

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1 **THEREFORE**, the Parties, by and through their respective counsel of
2 record, hereby stipulate and request that the Court lift the stay of this Action and
3 dismiss Plaintiff's PAGA Complaint without prejudice.

4 | Dated: August 7, 2024

Respectfully submitted,

FISHER & PHILLIPS LLP

7 By: /s/ Christopher M. Champine
8 Danielle Hultenius Moore
9 Aaron F. Olsen
Christopher M. Champine
Attorneys for Defendant
International Paper Company

11 || Dated: August 7, 2024

Respectfully submitted,

LAVI & EBRAHIMIAN, LLP

14 By: /s/ Cassandra A. Castro
15 Joseph Lavi, Esq.
16 Vincent C. Granberry, Esq.
Cassandra A. Castro, Esq.
Attorneys for Plaintiff
Amber Maldonado

ATTESTATION REGARDING ELECTRONIC SIGNATURES

I, Christopher M. Champine, attest that all other signatories to this document, on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing. I declare under penalty of perjury, under the laws of the United States of America and the State of California, that the foregoing is true and correct.

/s/ Christopher M. Champine
Christopher M. Champine

[PROPOSED] ORDER

The Court, having considered the Parties' stipulated request to lift the stay of this Action and dismiss Plaintiff's Complaint, finds good cause exists to so order. Accordingly, the Court grants the request and issues the following Order:

1. The April 11, 2024 Stay of this Action pending final approval of the settlement in the matter of *Gutierrez v. International Paper Company*, and imposed by Order of this Court (Dkt. 7), is hereby lifted.
2. At the request of the Parties, Plaintiff's Complaint is hereby DISMISSED without prejudice.

IT IS SO ORDERED.

Dated: August 9, 2024

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE